REMARKS

Claims 11-19 are pending in the instant application. The pending claims have been subjected to a Restriction Requirement under 35 U.S.C. §121 as follows:

Group I, claims 12-19, drawn to a composition for inhibiting the RNase H activity of a retroid virus reverse transcriptase comprising an inhibitory agent of Formula I wherein the inhibitory agent comprises the nucleotide sequence SEQ ID NO: 2, classifiable in class 536, subclass 24.5; and

Group II, claims 12-19, drawn to a composition for inhibiting the RNase H activity of a retroid virus reverse transcriptase comprising an inhibitory agent of Formula I wherein the inhibitory agent comprises the nucleotide sequence SEQ ID NO: 9, classifiable in class 536, subclass 24.5.

Claim 11 has been acknowledged as a linking claim for the inventions of Group I and Group II, wherein the restriction requirement between the linked inventions is subject to the non-allowance of the linking claim, claim 11. The Examiner has also acknowledged that upon allowance of the linking claim, the restriction requirement as the linked inventions shall be withdrawn.

The Examiner suggests that the inventions of Group I and II are distinct from each other because they are mutually exclusive. The Examiner suggests that the inventions are mutually exclusive because each inhibitory agent comprises distinct nucleotide sequences that are not obvious variants of each other and moreover are not disclosed in the instant

specification as being capable of use together. The Examiner further suggests that a search of one would not necessarily reveal art against the other and that a serious burden is placed on the Examiner. Applicant respectfully disagrees and traverses this restriction requirement.

MPEP §803 is quite clear; for a proper restriction requirement, it must be shown: (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. The Examiner has failed to provide reasoning for why a serious burden would exist for searching of the invention of Group I and II.

As acknowledged by the Examiner and stated above in the description of claim Groups I and II, the compositions of the present invention are classified in the same manner, class 536, subclass 24.5. Further, the two sequences, SEQ ID NO: 2 and SEQ ID NO: 9 which the Examiner suggests are distinct are actually only one small substituent within the compositions given by Formula I in the specification as filed. All claims in both Group I and Group II are based on the structure shown in Formula I. Comparison of the sequences of SEQ ID NO: 2 and SEQ ID NO: 9 differ by only a few nucleotides. Even with the small differences in the substituents of Formula I encompassed by claims in Group I and Group II, each composition is derived from the same basic structure of Formula I. As a result, Group I and Group II claims clearly are related. As such, there would be no serious burden placed on the Examiner to search the related

inventions set forth in Groups I and II. In fact, a search of the prior art would inevitably be based on the basic structure of Formula I, not on the specific sequences of SEQ ID NO: 2 or SEQ ID NO: 9. Under MPEP 803 [i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. Because the claims set forth in Groups I and II are related and could be searched and examined without a serious burden placed on the Examiner, it is respectfully requested that this Restriction Requirement be reconsidered and withdrawn.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 12-19, with traverse.

Respectfully submitted,

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